

REMARKS

Claims 2, 5, 8, 9, and 12-16 are pending in this application. The Examiner requested election of one of the three groups of claims. Applicant respectfully traverses this election requirement.


Specifically, Applicant disagrees with the Examiner's grouping of the claims. Applicant respectfully submits that claims 9, 14, and 16 (Group II) and claims 5 and 12 (Group III) are directed to same invention, and thus should be grouped together. Both sets of claims call for a modulation means that modulates data in accordance with the "code channel selection signal," which is determined in accordance with a subset of the bits of the data that is being modulated. Applicant respectfully requests the Examiner to reconsider the grouping of the claims 5, 9, 12, 14, and 16, and merge Groups II and III in one group.

In response to the Restriction Requirement mailed May 15, 2001, however, Applicant hereby elects claims 9, 14, and 16 (Group II), with traverse. Should the Examiner agree with the Applicant that Group II and III should be combined, as discussed above, Applicant respectfully requests the Examiner to examine claims 5, 9, 12, 14, and 16 as the elected group.

Should the Examiner have any questions or comments regarding these amendments, the Examiner is cordially invited to telephone the undersigned at his convenience.

Respectfully submitted,

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APPENDIX A

MARKED UP VERSION OF CLAIM 9MARKED UP VERSION OF CLAIM 9:

9. (Twice Amended) An apparatus for transmitting spread spectrum
2 data, comprising:
 a spread spectrum modulator; and
4 at least one upconverter having an output, coupled to the spread
 spectrum modulator, the output of the upconverter having a carrier frequency
6 changing in accordance with a predetermined pattern, wherein the spread
 spectrum modulator modulates the spread spectrum data in accordance with a
8 code channel selection signal that is determined in accordance with a subset of
 bits of the spread spectrum [received] data.